

MINUTES OF UNIVERSITY CITY COUNCIL

October 1, 2007

At the Regular Session of the City Council of University City held in the Chambers of the City Hall, on Monday, October 1, 2007, Mayor Adams called the meeting to order at 6:30 p.m. In addition to Mayor Adams, the following members of the Council were present:

Mr. Byron Price
Ms. Lynn Ricci
Mr. Robert Wagner
Mr. Michael Glickert
Ms. Stefany Brot
Mr. Arthur Sharpe, Jr.

Also in attendance were City Manager Julie Feier and University City High School liaison, Rachel Watson.

D. APPROVAL OF MINUTES

September 24, 2007, regular session minutes as amended, were moved for approval by Mr. Sharpe, Jr., seconded by Mr. Glickert and were approved unanimously.

E. APPOINTMENTS

F. SWEARING IN

G. PUBLIC HEARINGS

Ms. Ricci moved to amend the agenda order to accommodate the gathering present for the resolution being presented to Betty L. Thompson. This motion was seconded by Ms. Brot and was approved unanimously.

Mr. Sharpe, Jr. moved to adopt the resolution naming the walking trail around Millar Park after former state representative, Betty L. Thompson. This motion was seconded by Mr. Price and approved unanimously.

CITIZEN COMMENTS

Richard Dockett, 6844 Crest Dr.

Mr. Dockett congratulated Ms. Thompson on being the first female African-American to have a place, walkway, or such, named after her.

Mayor Adams read the resolution. Mayor Adams then called for the voice vote and Resolution 2007 – 13 was passed unanimously.

Ms. Thompson thanked the Council for the presentation. She spoke of her thirty-two years in public office: eighteen years on University City Council, six years in the County under Buzz Westfall and eight years as a state representative. Ms. Thompson reflected on the history and how far University City has come.

H. CONSENT AGENDA

I. CITY MANAGER'S REPORT

1. Economic Development Subsidy Policy

Change was made by removing the specific location and term limit of the T.I.F. in University City on Olive. Secondly, the title of Mr. Lehman Walker was corrected to Director of Community Development.

Ms. Brot moved to accept the amendments to the Economic Development Subsidy Policy, was seconded by Mr. Glickert and was approved unanimously.

2. Council's Rules and Regulations/Travel Policy of Council and City

Council passed the present Council's Rules and Regulations October 9, 2006. A forum was requested by Council:

- Going beyond current standards, for identifying conflicts of interest
- Council's travel policy

Ms. Ricci reminded the Councilmembers that she is still very interested in improving the Council's policy on conflict of interest issues; however she will postpone her discussion until after she hears the remarks of attorney Mondhi Ghasedi addressing the legal aspects of this topic on October 24, 2007, during Civics 101 public forum. Ms. Ricci said she would report back to Council with her recommendations after this presentation.

Mr. Glickert corrected Rule 8 of the Council's Rules; point number 11 should convey that each citizen has a maximum time limit of five minutes when addressing non-agenda items at a Council meeting.

Ms. Brot spoke on the travel policy. She said that Council needs to talk about how Council can make their travel policy a real professional development policy which is more equitably available to all members of the Council. Ms. Brot moved to implement similar to the City's policy for its employees a per diem amount for meals recommended by the GSA; require itemized receipts, not a charge receipt simply with the total cost of the meal, for any reimbursable expenses; that the City Clerk, the City Manager, and the Department of Finance never violate the Charter by approving payment for alcoholic beverages. Moreover, she stressed that before quarterly transfers of money in the budget are made this Council should develop a policy to adjust the remaining allocation of money for professional development be made more equitably.

Ms. Ricci seconded the motion. She stated since past policy was first come first serve, the Council needs to take the time to calendar who is going where, so that all Councilmembers are afforded the opportunity to go to a conference and still remain within the budget.

Mayor Adams asked the City Clerk if Council had already gone over their travel budget. City Clerk stated that previous fiscal years' budgets were more than double the amount than Council had budgeted for fiscal year 2008, and that current expenses during this fiscal year's amount of money for Professional Development has been quickly depleted for FY 2008.

The motion was passed unanimously.

J. UNFINISHED BUSINESS

1. **BILL 8956** — An ordinance approving a final subdivision plat of a tract of land to be known as “Gannon Estates Condominiums” and located at 8415-17 Gannon.

Bill 8956 was moved for adoption by Mr. Price and was seconded by Mr. Glickert.

Roll Call Vote was as follows:

AYES: Mr. Price, Ms. Ricci, Mr. Wagner, Mr. Glickert, Ms. Brot, Mr. Sharpe, Jr. and Mayor Adams.

NAYS: none

Bill 8956 became Ordinance 6711.

2. **BILL 8957** — An ordinance approving a final subdivision plat of a tract of land to be known as “7309 Amherst Condominium” and located at 7309 Amherst.

Ms. Ricci asked the City Clerk to correct the first paragraph of the ordinance to state “7309 Amherst Condominium”.

Bill 8957 was moved for adoption by Ms. Ricci and was seconded by Mr. Sharpe, Jr.

Roll Call Vote was as follows:

AYES: Ms. Ricci, Mr. Wagner, Mr. Glickert, Ms. Brot, Mr. Sharpe, Jr., Mr. Price and Mayor Adams.

NAYS: none

Bill 8957 became Ordinance 6712

3. **BILL 8958** — An ordinance approving a final subdivision plat of a tract of land to be known as “lot 1 of consolidation plat of part of lot 18 David I. Remley’s subdivision and lot 10 of Mt. Olive” and located at 7733 and 7745 Olive.

Ms. Brot inquired of the City Manger how the two locations were to be connected. Ms. Feier said there would be movement of dirt by grading in connecting the two property pieces, although it would not necessarily be flat.

Ms. Ricci said that what is before Council tonight was just the consolidation of the lots and not what is proposed to be built on the lots.

Mr. Glickert said that it will eventually be a parking lot, which was very much needed. He said that customers are now parking on neighboring lots.

Bill 8958 was moved for adoption by Mr. Price and was seconded by Mr. Sharpe, Jr.

Roll Call Vote was as follows:

AYES: Ms. Ricci, Mr. Wagner, Mr. Glickert, Ms. Brot, Mr. Sharpe, Jr., Mr. Price and Mayor Adams.

NAYS: none

Bill 8958 became Ordinance 6713

K. NEW BUSINESS

BILLS

Introduced by Mr. Sharpe, Jr.

BILL 8959 — An ordinance approving a settlement agreement with Verizon wireless and assigning a percentage of the settlement proceeds to the St. Louis County Municipal League.

Ms. Ricci suggested to modify and amend this ordinance to remove language addressing assigning any percentage of this settlement to St. Louis County Municipal League. She felt there was no need to approve the settlement with Verizon Wireless and secondly the designated amount of University City's settlement to be given to the St. Louis County Municipal League for their assistance in the litigation. The Council has the right to approve the settlement with Verizon and at a later date approve or choose to provide St. Louis County Municipal; League with certain sums for their assistance. Ms. Ricci moved to modify the ordinance to remove the last "whereas" clause and delete section three and was seconded by Mr. Wagner.

The motion did not pass by a majority: two Ayes from Ms. Ricci and Mr. Wagner and the remaining were five Nays which defeated the motion to amend.

Ms. Brot moved to introduce the bill with the addition of \$20,833 in the blank provided in the ordinance under section three that University City assigns to the St. Louis County Municipal League. Ms. Ricci questioned Ms. Brot's motion not being seconded. Mayor Adams stated that the ordinance was just being introduced and did not need a second. Since Ms. Brot's remarks to put a dollar amount on the blank line in the ordinance occurred prior to its first reading.

L. CITIZENS' COMMENTS

M. COUNCIL COMMENTS Strategic Item number 5

Mr. Price asked City Manager to have a strategic meeting with the University City School Board in connection with the status of the homeless children attending U. City's public schools. He also wanted to know if homeless people living in University City at the time of the census taking counted as residents of University City. He also asked the City Manager to ascertain from the Chief of Police if there is some correlation between individuals who claim they are homeless and their amount of criminal activity in our community.

Ms. Brot suggested Council have 15 minutes set aside after Council meetings in order to discuss existing work issues facing the Council, as it is difficult to work out problems and conflicts by email or phone. She used as an example the assignment of appointing citizens to the Boards and Commissions. Mayor Adams said that topic on the Commissions' appointments would be better for a study session rather than a 15 minute time slot. Ms. Feier suggested work in process could be brought up during Council Comments time at the end of Council's meetings; at this time, such issues could be

seconded for discussion and be voted on, if necessary. Also, Ms. Brot asked that the letter from St. Louis County Municipal League on the Verizon Cellular settlement become part of Council's public records.



ST. LOUIS COUNTY MUNICIPAL LEAGUE

September 18, 2007

The Honorable Joseph Adams
Mayor - University City
6801 Delmar Boulevard
University City, MO 63130

Dear Mayor:

I hope by now you have heard the great news: Working on your behalf, the St. Louis County Municipal League, Missouri Municipal League and cities, utilizing tenacious attorneys, have reached a preliminary settlement with Verizon Cellular that will result in:

1. A \$25 million back-tax payment to Missouri municipalities from Verizon alone.
2. Verizon is paying your attorney fees, freeing up an additional \$5 million for cities that would have otherwise been taken from your back-tax payment to pay attorneys.
3. Verizon is agreeing to stop lobbying against your phone taxes for at least 5 years thereby helping to assure the payment of taxes into the foreseeable future. **Our continuing challenge is to stop other anti-city special legislation that will come from any and all sources.**
4. Ending the debate over whether cell phones are the same as traditional land line phones – **they are!**
5. An anticipated settlement with other cell phone companies thereby multiplying the \$25 million by a factor of 5 or 6.

This settlement is far better for our citizens than legislative proposals that were offered by the industry and defeated by the Leagues or thrown out in court due to the hard work of your attorneys.

Finally, the years of uncertain tax revenues that resulted from nonpayment of taxes by the phone companies will be reversed and the hundreds of millions of dollars that were lost by cities will be partially recouped. These are funds that should have been funding your city's police, fire protection, roads and parks.

Now, because of this agreement, this particular source of funding should stabilize, if we remain united and continue to work together.

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Executive Director

Tim P. Fischesser

121 South Meramec Avenue

Clayton, MO 63105

314.726.4747

fax 314.726.1520

Within the week, your city will be receiving a letter from Verizon detailing the exact amount your city will receive and the other terms of the settlement. Acceptance or rejection of this settlement will require approval by your city council or board within 45 days. Final approval by the court should follow late this year; we anticipate that funds will be disbursed in February 2008. Enclosed you will find a chart, prepared by the League, outlining your city's 2-year settlement amount (which includes amounts already paid to you by Verizon, usually under protest), 5 years of estimated future revenue, the amount saved in attorney fees, and an amount recommended for contribution to a special League fund to increase our activities to protect you against **anti-city activities** from a variety of sources. The entire settlement documents and attachments are posted on the League website: stlmuni.org, under Current Events and on the MML website: mocities.com.

Of course, the real opportunity for cities goes well beyond the initial tax settlement. As noted earlier, this settlement is the beginning of a reliable, dependable revenue stream that will ultimately help ease the pressures on taxpayers as they fund basic city services, again, as long as other anti-city legislation is not passed

Just as important to your city's future, there is a huge opportunity for you to continue to partner with all members of the League as we work together to protect the long-term interests of your city at the state and federal level where telecom companies and other interest groups continuously seek special treatment.

Those of us in city government know that there are only more of these threats to come as we work at the state and federal level to maintain local control over our revenues. This settlement, and the six years of work that went into it, demonstrates the caliber and intensity of work required of our Leagues in Jefferson City to protect our cities and our citizens who rely on local services.

It's clear that with critical issues looming on the horizon, such as the previously proposed reduction in phone company taxes, we need to expand our voice in Jefferson City. We need an active, consistent presence with legislators year-round, not just during session or when a bill comes up on the floor for debate. Legislators need to better understand the good work you do on behalf of your residents day in and day out. It is incumbent on us to make sure this message is delivered, not left to be manipulated by other interests.

To achieve this, the boards of the St. Louis County Municipal League and the Missouri Municipal are asking all cities sharing in this \$25 million settlement to direct 5 percent of the settlement toward increasing our cities' collective voice at the state level. (St. Louis County cities are asked to consider contributions to the County League and cities outside the County to consider contributing to the State League). This represents a small fraction of the amount that would have gone toward attorney fees, were it not for Verizon paying those fees directly, and it represents a very small amount of the past and future amount that we will receive from this source, as long as we stop anti-city legislation. (Please see the chart enclosed.)

With this one simple move, your city can take a vital step toward a stronger presence in Jefferson City for years to come.

- In order to more aggressively represent your interests and assist in the monitoring of the settlement and future receipts, we encourage you to check the box on page 1 of the settlement claim form that you will receive.

- The League board would like to propose a broad based, special trust board to oversee the funds, after securing additional input from our members, in order to focus on the following goals:
 - Increase attention on anti-city activities and on special interest legislation that slowly and insidiously erodes finances and shrinks local control;
 - More aggressively and consistently explain the positive services provided by cities in order to combat negative assaults;
 - Increase research to stabilize revenues affected by changes in society (global markets, internet buying, changes in technology that affect items like phone services and associated taxes, changing from purchasing of goods to purchasing of services, and related issues);
 - Insure that the settlement is implemented and to assist cities with any problems that may surface in the future.

Clearly, the settlement gives testament to the benefits of working together. Our Leagues have the knowledge, credibility and tenacity to do this crucial work on behalf of our cities and our citizens; let's leverage this into an expanded role for further success in the future.

Your League Board of Directors has been very involved in the cell phone back tax issue. We strongly support this settlement and additional settlements with other phone companies and seek your support for increased efforts to protect members from future anti-city initiatives.

If you have any questions, as always, please call Tim Fischesser at the League at 314-726-4747.

Sincerely,



T.R. Carr, President
Board of Directors
St. Louis County Municipal League

Cc: Chief Administrative Officer

Enclosure: Modified Exhibit E

Ms. Brot encouraged citizens to become informed about the federal Neighborhood Preservation Act. She stated that residents living in certain areas of University City may be eligible to receive tax credits for money spent on rehabilitating their houses.

Mr. Sharpe, Jr. remarked that the Council of Pagedale is requesting additional meetings with the University City Council to discuss how each can work together to improve our neighboring cities. He said he will work with the City Clerk Ms. Pumm, to find a mutual meeting time.

Mayor Adams noted future meetings: study session on October 15, dealing with business licenses and solicitation and Civic 101, October 24 dealing with do's and don'ts of being a public servant.

N. Meeting was adjourned at 7:45 p.m.

Joyce Pumm
City Clerk